

Fill in this information to identify your case:

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS**

Debtor 1 Jason Christopher Warren

First Name

Middle Name

Last Name

Debtor 2

(filing spouse)

First Name

Middle Name

Last Name

Case Number: 20-41957

49 / 21

TXEB Local Form 3015-b

ORDER CONFIRMING CHAPTER 13 PLAN

.....Adopted: Dec 2017

Upon completion of a hearing upon proper notice to consider the confirmation of the Chapter 13 Plan proposed by the Debtor¹ (the "Plan"), wherein the Court has determined that all of the requisite requirements for confirmation pursuant to § 1325² have been fulfilled by the Debtor, and that all objections to plan confirmation have been overruled or resolved by agreement, the Court finds that just cause exists for the entry of the following order.

IT IS THEREFORE ORDERED:

1. The Debtor's Plan filed on 11/10/2020 [dkt # 21], as amended by this order, is **CONFIRMED**.

2. The Debtor shall pay:

☐ **Constant Payments:** _____ per month for _____ months,

☒ **Variable Payments:** for 60 months pursuant to the schedule set forth in **Exhibit A** to this order,

together with those portions of any tax refunds required to be tendered under § 2.4 of the Plan, to:

Carey D. Ebert, Chapter 13 Trustee
P. O. Box 628
Tyler, TX 75710

beginning 10/16/2020 and continuing until all of the allowed claims provided for by the Plan have been paid in accordance with the provisions of the Plan, this Order, or any subsequent order of the Court.

3. Excepting adequate protection payments authorized to be paid by LBR 3015(c), and only to the extent funds are available, the Trustee shall make disbursements on a monthly basis to the holders of allowed claims as set forth in the terms of the Plan and as modified by this Order; provided, however, that the Trustee shall not be required to pay any dividend to any claimant in an amount less than \$15.00 and any dividends deferred under this provision shall be paid when the accumulation of payments due to such claimant shall exceed the sum of \$15.00. Upon the filing of any plan modification motion, however, the Trustee is authorized to suspend disbursements to the holders of allowed claims pending the resolution of that motion in order to determine the effect of the modification upon future disbursements.

¹ The use of the singular term "Debtor" in this Order includes both debtors when the case has been initiated by the filing of a joint petition by spouses.
² All statutory references contained in this Order refer to the Bankruptcy Code, located in Title 11, United States Code.

Debtor Jason Christopher WarrenCase number 20-41957

4. Pursuant to LBR 3015(f)(1), the Plan is amended through this Order without the necessity of further disclosure to creditors in the following manner:

☐ **None.** All claims previously listed as a Cure Claim in § 3.2 of the Plan have been reclassified.

☒ **§ 3.2** of the Plan regarding the treatment of Cure Claims is MODIFIED in the following respects:

| Claimant | Collateral/Property/Contract Description | Debtor's DPO Amount | Projected Cure Claim Amount | Plan Interest Rate | Projected Monthly Payment by Trustee | Projected Total Cure Payment by Trustee |
|---|--|---------------------|-----------------------------|--------------------|--------------------------------------|---|
| Liberty Ntnl Bk In Paris <input type="checkbox"/> Debt Maturing During Plan Term. <input checked="" type="checkbox"/> Debt Maturing After Completion of Plan Term. <input type="checkbox"/> Curing Assumed Executory Contract or Lease Obligation Pursuant to § 6.1. | <u>502 Ashton Lane, Reno, TX 75462</u> | <u>\$2,168.55</u> | <u>\$22,801.89</u> | <u>0%</u> | <u>pro-rata</u> | <u>\$22,801.89</u> |
| Liberty Ntnl Bk In Paris <input type="checkbox"/> Debt Maturing During Plan Term. <input checked="" type="checkbox"/> Debt Maturing After Completion of Plan Term. <input type="checkbox"/> Curing Assumed Executory Contract or Lease Obligation Pursuant to § 6.1. | <u>502 Ashton Lane, Reno, TX 75462</u> | <u>\$332.28</u> | <u>\$0.00</u> | <u>0%</u> | <u>pro-rata</u> | <u>\$0.00</u> |

☒ **§ 4.3** of the Plan regarding the payment of the allowed balance of Debtor's attorney's fees in this case is **MODIFIED** and shall be determined by:

☒ **LBR 2016(h)(1);** ☐ By submission of a formal fee application. The total amount of attorney's fees requested by the Debtor's attorney in this case is \$4,000.00. The amount of \$1,000.0 was paid to the Debtor's attorney prior to the Petition Date. The allowed balance of attorney's fees will be paid by the Trustee from the remaining available funds after the payment of required adequate protection payments pursuant to §§ 3.3 and 3.4 of this Plan.

All other requirements and directives set forth in § 4.3 of the Plan remain in effect.

§ 5.3 Liquidation Analysis: Unsecured Claims Under Parts 4 & 5.

If the bankruptcy estate of the Debtor was liquidated under Chapter 7 of the Bankruptcy Code, the holders of priority unsecured claims under Part 4 of this Plan and the holders of nonpriority unsecured claims under Part 5 of this Plan would be paid an aggregate sum of approximately **\$157.39**. Regardless of the particular payment treatments elected under Parts 4 and 5 of this Plan, the aggregate amount of payments which will be paid to the holders of allowed unsecured claims under this Plan will be equivalent to or greater than this amount.

Debtor Jason Christopher Warren

Case number 20-41957

Part 8 of the Plan regarding non-standard provisions is MODIFIED in the following respects:

- ☐ None All terms previously listed in Part 8: Nonstandard provisions have been removed.
☒ Other Changes That Do Not Require Further Notice to Creditors.³ The Plan is MODIFIED in the following manner:

Debtor agrees that the amount paid under this Plan to priority and unsecured creditors will not be less than \$5,157.39, which is the total of non-exempt property plus the \$5,000 transferred to his mother under 11 USC §§ 547 or 548(a)(1)(B).

Signed on 12/18/2020

Brenda T. Rhoades MD
HONORABLE BRENDA T. RHOADES,
UNITED STATES BANKRUPTCY JUDGE

APPROVED AS TO FORM AND SUBSTANCE:

x /s/ Carey D. Ebert
Carey D. Ebert, Chapter 13 Trustee

Date _____

x /s/ J. Brian Allen
Attorney for Debtor

Date December 14, 2020

³The inclusion of any plan amendment that requires notification under §§ 1.1 – 1.4 of the Chapter 13 Plan may not be accomplished through this confirmation order

Document Page 4 of 4
UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE: **Jason Christopher Warren**CASE NO **20-41957***Debtor(s)*CHAPTER **13****EXHIBIT "A" - VARIABLE PLAN PAYMENTS****PROPOSED PLAN OF REPAYMENT (VARIABLE PAYMENTS INTO THE PLAN)**

| <u>Month / Due Date</u> | <u>Payment</u> | <u>Month / Due Date</u> | <u>Payment</u> | <u>Month / Due Date</u> | <u>Payment</u> |
|-------------------------|----------------|-------------------------|----------------|-------------------------|----------------|
| 1 10/16/2020 | \$760.00 | 29 02/16/2023 | \$835.00 | 57 06/16/2025 | \$835.00 |
| 2 11/16/2020 | \$760.00 | 30 03/16/2023 | \$835.00 | 58 07/16/2025 | \$835.00 |
| 3 12/16/2020 | \$835.00 | 31 04/16/2023 | \$835.00 | 59 08/16/2025 | \$835.00 |
| 4 01/16/2021 | \$835.00 | 32 05/16/2023 | \$835.00 | 60 09/16/2025 | \$835.00 |
| 5 02/16/2021 | \$835.00 | 33 06/16/2023 | \$835.00 | | |
| 6 03/16/2021 | \$835.00 | 34 07/16/2023 | \$835.00 | | |
| 7 04/16/2021 | \$835.00 | 35 08/16/2023 | \$835.00 | | |
| 8 05/16/2021 | \$835.00 | 36 09/16/2023 | \$835.00 | | |
| 9 06/16/2021 | \$835.00 | 37 10/16/2023 | \$835.00 | | |
| 10 07/16/2021 | \$835.00 | 38 11/16/2023 | \$835.00 | | |
| 11 08/16/2021 | \$835.00 | 39 12/16/2023 | \$835.00 | | |
| 12 09/16/2021 | \$835.00 | 40 01/16/2024 | \$835.00 | | |
| 13 10/16/2021 | \$835.00 | 41 02/16/2024 | \$835.00 | | |
| 14 11/16/2021 | \$835.00 | 42 03/16/2024 | \$835.00 | | |
| 15 12/16/2021 | \$835.00 | 43 04/16/2024 | \$835.00 | | |
| 16 01/16/2022 | \$835.00 | 44 05/16/2024 | \$835.00 | | |
| 17 02/16/2022 | \$835.00 | 45 06/16/2024 | \$835.00 | | |
| 18 03/16/2022 | \$835.00 | 46 07/16/2024 | \$835.00 | | |
| 19 04/16/2022 | \$835.00 | 47 08/16/2024 | \$835.00 | | |
| 20 05/16/2022 | \$835.00 | 48 09/16/2024 | \$835.00 | | |
| 21 06/16/2022 | \$835.00 | 49 10/16/2024 | \$835.00 | | |
| 22 07/16/2022 | \$835.00 | 50 11/16/2024 | \$835.00 | | |
| 23 08/16/2022 | \$835.00 | 51 12/16/2024 | \$835.00 | | |
| 24 09/16/2022 | \$835.00 | 52 01/16/2025 | \$835.00 | | |
| 25 10/16/2022 | \$835.00 | 53 02/16/2025 | \$835.00 | | |
| 26 11/16/2022 | \$835.00 | 54 03/16/2025 | \$835.00 | | |
| 27 12/16/2022 | \$835.00 | 55 04/16/2025 | \$835.00 | | |
| 28 01/16/2023 | \$835.00 | 56 05/16/2025 | \$835.00 | | |